IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 3449 of 1994

Between:

1 M.Roshamma (died) , per LRW/o.M.Chilakala Subbarayudu
R/o.D.No.10/410,Bellammudy Street Cuddapah Dist.
2 S.Habibullah Khan S/o.S.Mahmood Khan
R/o.5/129 Kotagadda Street, Cuddapah Dist.
3 Bibi Jaan W/o.Khan Sawani
Ameenapeer Road Cuddapah Dist.
4 Sangapatnam Shivashanker S/o.S.Tirupallaiah
R/o.D.No.6/380,Jyoti Govindappa Street Cuddapah Dist.
5 Shahjaadi alias Sahibjaadi W/o.Khader Basha
R/o.8/403,Almaspeta Cuddapah Dist.
6 Ahmed Basha S/o.Abdulkareem Sahib
R/o.8/331,Almaspeta Cuddapah Dist.
7 Abdul Rahim S/o.Kareem Saheb
Yaanaadi,Almaspeta Cuddapah Dist.
8 K.Subbarayudu S/o.Kotaiah
Yaanaadi Colony,Almaspeta Cuddapah Dist.
9 M.Penchallaiah S/o.Naganna
Almaspeta Cuddapah Dist.
10 D.Avulliah S/o.Penchallaiah
Yaanaadi Colony,Almaspeta Cuddapah Dist.
11 A.Ankamma W/o.Venkatswamy
Yaanaadi Colony,Almaspeta Cuddapah Dist.
12 Iqbal Ahmed S/o.Nazeer Ahmed
R/o.6/290,G.C.Street Cuddapah Dist.
13 Jahanara Begum W/o.S.Iqbal
R/o.Bellammudy Street Cuddapah Dist.
14 Khirmissa Begum W/o.Nazeer Ahmed
R/o.8/40 Almaspeta, Cuddapah Dist.
15 G.Pitchaiah S/o.G.Chinna Guruvaiah
R/o.D.No.16/956,Toti Colony Masapeta

Siddavatam road Cuddapah Dist.

16 Elegoti Naganna S/o.Penchalliah
Kapu Street Almaspeta, Cuddapah Dist.

17 N.Penchalliah S?o.Venkatasubbaiah
Kapu Street Almaspeta, Cuddapah Dist.

18. M.Raghu Ramaiah, S/o.Chinna Venkata Subbaiah, Age:33 Yrs.,
R/o.Bellammudy, Cuddapah District.

(Petitioner No.18 is brought on record as legal representative of deceased petitioner No.1 as per the Court order dated 30-06-1994 in W.P.M.P.No.13789 of 1994)

..... PETITIONERS

AND

1 The Dist Collector
Cuddapah.

2 The Revenue Divisional Officer
Cuddapah.

3 The Mandal Revenue Officer
Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in evicting the petitioners from the land in S.No.316B-1A Almaspeta of Gudurpalem Village, Cuddapah Revenue Mandal without following the procedure prescribed under law as illegal, improper, unjust, arbitrary and violative of principles of natural justice and further declare that the petitioners are entitled to cultivate the land in S.No.316B-1A.

Counsel for the Petitioner:MR.K.G.KRISHNA MURTHY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following ORDER:

The case of the petitioners was that they were in occupation of the land belonging to the Government and they were evicted without recourse to law.

In the counter-affidavit filed, it has been stated that the petitioners were encroachers of a place, which was used for public purpose as dhobi khana and the land was taken possession by proclamation, by beating tom-tom under the

cover of a panchnama on 26.02.1994. This is disputed, however, by the learned counsel for the petitioners.

Since there are disputed questions of facts whether the petitioners are in possession or not in possession, I do not think the controversy can be settled in this writ petition.

The writ petition is accordingly dismissed. However, if the petitioners are still agreeing, they can take recourse to any alternative remedy available to them in law. No order as to costs.

04.11.2004

ksld

To

1 The Dist Collector
Cuddapah.
2 The Revenue Divisional Officer
Cuddapah.
3 The Mandal Revenue Officer
Cuddapah.

4 Two CCs. to the Govt. Pleader for Revenue, High Court of A.P.(OUT)

5 Two CD copies.